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REPORT OF THE SECRETARY-GENERAL ON THE UNITED NATIONS SUPPORT MISSION IN HAITI

I. INTRODUCTION

1. The present report is submitted in compliance with Security Council resolution 1086 (1996) of 5 December 1996, by which the Council extended the mandate of the United Nations Support Mission in Haiti (UNSMIH) until 31 May 1997. In so doing, it was the Council's understanding that, if the Secretary-General were to report by 31 March 1997 that the Mission could make a further contribution to the goals set out in the resolution, its mandate would be further extended, following a review by the Council, for the final time until 31 July 1997. In addition, the Council requested a report by 31 March 1997 on the implementation of the resolution, including recommendations on further reductions in the Mission and on the nature of a subsequent international presence in Haiti. The recommendations contained in the present report take into account my Special Representative's consultations with the Government of Haiti, the views of the representatives of the Friends of the Secretary-General for Haiti, and those which were expressed during a trilateral meeting held at Port-au-Prince on 5 March 1997.

II. POLITICAL AND SECURITY SITUATION

2. Since my predecessor's report of 12 November 1996 (S/1996/813/Add.1), violence and unrest have continued, fuelled by persistent high levels of unemployment, a rising cost of living, impatience at the slow pace of change and the attempts made by certain sectors to profit politically from growing popular frustrations and discontent. Despite steady, if modest, progress by the Haitian National Police (HNP), recent reports point to a rise in common crime, particularly in Port-au-Prince, where many have been killed during recent weeks, including three police officers. Since the deployment of the HNP in June 1995, 16 officers have been killed. Gang warfare in Cité Soleil last February caused the death of 10 persons. The situation there has now calmed down following the arrest of several gang leaders. Trafficking in drugs and other contraband through Haiti's porous borders and unprotected coastline is on the increase. Incidents have occurred throughout the territory as Haitians regularly express their dissatisfaction in spontaneous protests. Those protests have on occasion

taken the form of storming a local electoral office, burning a police station or setting up a barricade to protest the poor state of the roads.

3. The latest wave of violence has caused far more casualties than the events that raised serious concern during the summer of 1996. Reportedly, some of those suspected of sponsoring and participating in those incidents continue their activities and have access to the weapons and funds necessary to carry out acts of destabilization. However, lacking popular support, they are not considered to be in a position seriously to threaten the State. The reinsertion of demobilized soldiers into civilian life remains difficult.

4. Forced repatriations of undocumented Haitians from the Dominican Republic have been a source of tension, which could have a negative effect on the overall security situation. An understanding reached between the Presidents of the two neighbouring countries on 20 February 1997 provides for the suspension of the repatriation process until it can be monitored by an international organization agreed upon by both parties. Following an official request by the Government of Haiti, the United Nations intends to help both Governments to identify an international organization that would be able to provide them with the assistance needed. Meanwhile, the situation remains volatile and violent incidents have occurred against border policemen and Dominican citizens residing in Haiti.

5. Tension has also increased as a result of the ongoing electoral process, which is being boycotted by virtually all opposition parties and is pitting the main Lavalas parties against each other. Elections for one third of the Senate, 2 seats in the Chamber of Deputies and 697 seats for local assemblies have been scheduled for 6 April and 25 May 1997. Preparations for the elections, which were originally scheduled to be held late in 1996, continue to lag because of divisions within the ruling Lavalas movement and because of technical problems that threaten to mar the polling itself. Many local and departmental electoral councils have been prevented from operating normally by the population, who question their composition and impartiality. Disaffection vis-à-vis the elections, compounded by inadequate public education, could translate into a low turnout. Violence could increase before and after polling days, as has happened in similar circumstances before.

III. DEPLOYMENT AND OPERATIONS OF THE UNITED NATIONS SUPPORT MISSION IN HAITI

6. As mentioned above, the Security Council, by its resolution 1086 (1996), decided to extend the mandate of UNSMIH until 31 May 1997, with an authorized strength of 300 civilian police and 500 troops. In addition to that authorized strength, the UNSMIH military element includes 800 additional personnel financed by voluntary contributions from the United States of America and Canada (see annex). The strength of the civilian police element was reduced with the departure of the officers from Djibouti and the Russian Federation and following a reduction in France's participation. The effect of that reduction has been offset to some extent by the arrival of additional Creole-speaking police officers from the United States.

7. The UNSMIH military element continues to be deployed only in Port-au-Prince, which it patrols on a 24-hour basis. In addition, it conducts air and land patrols regularly throughout the country to support the civilian police element and the HNP and to deter possible acts of destabilization. The Mission's engineers have renovated 5 HNP stations and are slated to refurbish another 10 by June 1997. They are also involved in improving the Port-au-Prince airport and in resurfacing roadways. In addition, the voluntary fund established under resolution 975 (1995) of 30 January 1995 has been used to finance the rehabilitation of 20 police stations and plans are in place to complete work on an additional 12.

8. UNSMIH civilian police members have continued to provide the HNP with training in its day-to-day work, including community policing, with academic training at the Police Academy and the commissariats and with technical advisory assistance to the HNP leadership at the central and departmental levels. The UNSMIH central training unit prepares course outlines focusing on investigative and procedural techniques for use by civilian police members around Haiti (programme de formation continue). Regrettably, many HNP agents are not taking full advantage of the instruction offered. Furthermore, UNSMIH civilian police personnel have been assisting the HNP in building up a crowd-control capacity in the key provincial cities of Cap-Haïtien, Gonaïves and Saint-Marc. They have also assisted in developing a plan for the redeployment of the force, based on current data on population density and patterns of criminal behaviour, and in establishing nine command centres (centres de renseignement et d'opérations) in the departments in addition to the main one at headquarters. All the centres are now fully functional. Some of these steps were facilitated by monthly meetings convened by President Réne Préval and attended by representatives of UNSMIH and bilateral donors to review progress in consolidation of the HNP. The presence of the civilian police element continues to compensate for missing links in the chain of command of the HNP, and its communication and transportation system serves as back-up to that of the HNP.

IV. HAITIAN NATIONAL POLICE

9. In January 1997 the UNSMIH civilian police element and the Organization of American States (OAS)/United Nations International Civilian Mission in Haiti (MICIVIH) completed a second comprehensive study of Haiti's criminal justice system, which focused on the performance of its three institutions - the police, the courts and the prisons - and on the cooperation among them. The study revealed that the HNP had made significant progress over the last six months, as demonstrated by the force's professional performance during the recent carnival celebrations. Progress has been made in establishing the chain of command. There are departmental directors in the nine regions and each of the main police stations is now headed by a commissaire; salaries are paid more regularly; many stations have received basic equipment; radio links have been established between departmental headquarters and HNP headquarters in Port-au-Prince; and cooperation with the judiciary has improved. However, a number of problem areas remain. Some of the departmental directors and the commissaires lack critical experience, and only 79 (out of a required 150) commissaires and 89 (out of a necessary 200) mid-level officers known as inspecteurs have been deployed; salary cheques are at times issued late; many police stations still have no

equipment, furniture, electricity or water; and communications with some smaller police outposts, known as sous-commissariats, are still insufficient.

10. Another cause for concern is the presence of security forces attached to municipalities, some of which have engaged in thuggery and have disintegrated into warring factions. On 10 December 1996, the Government issued a communiqué stating that the HNP was the only entity responsible for law and order in Haiti and that no parallel forces would be tolerated. Although the announcement underlines the Government's commitment to concentrating all public security functions in the hands of the HNP, the dissolution of such forces, which would strengthen the rule of law in Haiti, has yet to happen. Reportedly, some municipal security forces continue to function and elsewhere other groups have assumed policing functions outside the HNP chain of command. In addition, in response to the rising concern about crime, private security firms have proliferated and reportedly total some 6,000 agents. Largely unregulated, those firms constitute a potential threat that warrants attention.

11. A number of positive aspects of HNP work are worth mentioning. Community policing, a concept based on cooperation between the police and the local community, which is being implemented around the country, has markedly improved the HNP's image and ability to serve the population. In addition, the Director-General of the HNP is taking steps to provide police officers at all levels with the necessary training and UNSMIH has offered to train Haitian instructors in preparation for the Mission's withdrawal. It will be recalled that while HNP members often receive some supplementary training beyond the basic four-month course offered, most require additional schooling, particularly in view of the fact that the force lacks experienced professionals who could serve as mentors to young recruits.

12. Furthermore, the Inspector-General's office, with support from the UNSMIH civilian police element, has made important progress in ensuring compliance with basic professional and ethical standards. The office has continued to conduct and make public its investigations into wrongdoing by HNP agents, thus strengthening the force's discipline and the public's confidence in it. Some 77 agents have now been dismissed for various infractions, including 11 top officers (commissaires). More dismissals are to be expected, as the Director-General has indicated his intention to rid the force of all those who engage in inappropriate behaviour or who reject the HNP approach to public security. The strong, principled response of the HNP leadership and the rigour with which the Inspector-General's office has performed its tasks bear testimony to the Government's commitment to making a clean break with the public security policies of the past. A necessary next step should be the systematic transfer to the courts of cases in which HNP members have committed a prosecutable act. Also outstanding is the establishment of a clear disciplinary regime and the appointment of a disciplinary council, as called for in the HNP internal regulations.

13. In spite of the foregoing, some serious lacunae remain. With the exception of the small Brigade criminelle established to investigate crimes of a political nature, the HNP has no criminal investigative element. The Police judiciaire, the unit mandated to work closely with an investigating judge under Haiti's civil law system, lacks leadership and is non-functional. Most aspects of the

police force's work still suffer from inadequate systems and standard operating procedures and little improvement has been noted in the force's capacity to store and retrieve information, or to monitor and plan for its own development.

14. Council members will recall that, at the request of the Government, my Special Representative initiated the establishment of a technical assistance programme designed to provide the HNP with expertise to carry out institution-building and to ensure the necessary continuity to UNSMIH efforts following the Mission's departure (see S/1996/813/Add.1, para. 12). Under that programme, which aims at recruiting some 50 advisers, four advisers have already been recruited and several more are expected to be in place soon to work with the Director-General and with the nine departmental directors.

V. JUSTICE AND PENAL SYSTEMS

15. Since my predecessor's last report, progress towards crafting a comprehensive plan to overhaul the justice system has been slow. While the bill on judicial reform is still under consideration by Parliament, a commission has been appointed to lead the reform process, with three years' funding provided by the European Union. It will deal with all aspects of the reform, including a fundamental restructuring of the Ministry of Justice, as recommended by a diagnostic study recently completed by Canada. Another positive development is the creation of a National Penal Unit to deal with major cases of human rights abuses, such as the Raboteau massacre during the de facto regime. Donors, in particular Canada, France and the United States of America, have significant aid programmes, but weaknesses in structure and leadership throughout the justice sector have impeded proper use of that support.

16. Currently, the justice system remains largely unable to investigate alleged crimes and to prosecute wrongdoers in a professional manner. About 80 per cent of all prisoners are in pre-trial detention. A Consultative Committee set up in November 1996 to remedy the delays in criminal justice has reviewed a number of minor offences and submitted its report and recommendations in mid-January 1997. Other cases, including those of 31 persons charged with threatening public security that are still in pre-trial detention six to eight months after their arrest, have stagnated. As the HNP becomes more active and professional, the inefficiency of the courts will increasingly cause serious dislocation in the administration of justice. Frustrated in its demand for justice, the population may continue to resort to vigilante justice, a practice that the authorities have been largely unable to check.

17. Progress in the prison system is uneven. Registration mechanisms have been put in place in all prisons throughout the country and it is expected that registers of persons in police custody will be distributed shortly to police stations. Access to medical care, water and sanitary facilities has improved. Two thirds of the prison guards have been trained and the remaining 130 will complete the course by mid-1997. Training of trainers has begun. However, serious problems of legal status and leadership continue to beset the Administration pénitentiaire nationale in charge of the prison system. Prison guards are in short supply, particularly in view of continued prison overcrowding. While the National Penitentiary in Port-au-Prince will have been

renovated jointly by France, the United States of America and the United Nations Development Programme (UNDP) by the end of 1997, most prisons in the provinces remain inadequate. International assistance will clearly be necessary for the next several years.

VI. DEVELOPMENT ACTIVITIES

18. Economic results in 1996 were disappointing. Delays occurred in the adoption of the economic reforms on which the release of a large part of international funds was conditioned. Owing to this and to the lack of private investment, growth fell below 3 per cent, while the population increased by about 2 per cent. The acceleration in the economic growth rate expected for the first quarter of 1997 has not materialized. The failure to launch infrastructural projects, combined with continuing hesitation by private investors, has led to a sluggish, almost stagnant, economy. While firm statistics are unavailable, unemployment remains high, with little hope of improvement in the near future. Stagnant incomes, widespread unemployment and an annual inflation rate of some 17 per cent are factors of disillusionment and discontent.

19. As my predecessor informed the Security Council in November 1996 (S/1996/813/Add.1, para. 15), the Parliament passed key legislation in September 1996 allowing for the partial privatization or modernization of nine State-owned enterprises. A commission was subsequently appointed and began to lay the groundwork to initiate the process and attract private investors. Five months into the new fiscal year, however, the Parliament is still discussing the proposed budget for 1996-1997, a delay that is negatively affecting public administration and the economy as a whole.

20. Project implementation and follow-up remain a major problem. Approved funds sometimes remain unused and pressing social needs are unmet. Many fully funded infrastructural projects have still not commenced, exacerbating the sense among many that the country's transition to democracy is not producing benefits. In order to identify and overcome obstacles, sectoral working groups of donors and ministry officials have been reviewing project proposals and tracking project implementation. That effort is aided by a database on projects by sector, which is updated regularly by UNDP. At the regional level, in response to the dire living conditions and pressing social concerns in several provincial capitals, targeted initiatives have been launched to expedite the implementation of projects. Working groups of government officials, donors and local authorities and community leaders have met in Cap-Haitien and Gonaives to review planned projects and to explore community priorities. A more systematic approach to the expansion of Haiti's absorption capacity is, nevertheless, urgently needed.

21. The international financial institutions and bilateral donors, as well as United Nations agencies and programmes, remain committed to a comparatively large flow of resources to the country for the next few years. The executive branch has shown the political will to speed up reforms, expedite approval of the budget by Parliament and carry out the long-planned, large infrastructural projects. Early implementation of key public investments would result not only

in increased aggregate demand, employment and incomes, but in a recovery of private investment - an essential factor for a more sustained, self-reliant economic growth and significantly improved security.

22. Two seminars have brought together Haitians of varying professions and orientations with a view to preparing for the drafting of a consensus view of the kind of society envisioned for the year 2012. Sponsored by two Haitian non-governmental organizations with the support of UNDP, the process aims at producing a document that will serve as a blueprint to Haitians for rebuilding their country over the next 15 years, an effort in which they will continue to require the assistance of the international community.

VII. FINANCIAL ASPECTS

23. By its resolution 51/15 of 4 November 1996 and decision 51/459 of 18 December 1996, the General Assembly appropriated to the Special Account for UNSMIH an amount of $56,105,000 gross for the maintenance of the Mission for the period from 1 July 1996 to 30 June 1997. The assessment of the appropriation of the amount of $4,566,800 gross per month is subject to the decision of the Security Council to extend the mandate of the Mission beyond 31 May 1997. In my report on the financing of UNSMIH currently before the General Assembly (A/51/825), it is indicated that the total cost for maintaining UNSMIH for the month of July 1997 and for the liquidation of the Mission thereafter will amount to $14,530,000 gross.

24. As at 19 March 1997, unpaid assessed contributions to the Special Account for UNSMIH amounted to $30,628,937. The total unpaid assessed contributions for all peacekeeping operations amounted to $1.8 billion.

VIII. OBSERVATIONS AND RECOMMENDATIONS

25. In his report of 1 October 1996 (S/1996/813, para. 54), my predecessor recalled that, by endorsing his proposals in July 1994, the Security Council was by implication committing the international community to a long-term programme of support for Haiti. I fully share his view that such an approach is needed. The appalling destruction wrought upon Haiti by decades of arbitrariness, corruption, violence, abuse of the population and the resulting loss of many of the country's best people cannot conceivably be repaired in the short lifespan of a peacekeeping mission.

26. It is well established that economic growth and the sharing of its benefits are a major factor of social and political stability. I am confident that, given the right policy framework and the requisite international support, the creative, talented and hard-working people of Haiti will eventually succeed in creating for themselves a prosperous and just society. For this to be achieved, however, it is clear that all sectors of the population must unite around a national project with clear objectives and join in realizing it through a sustained effort, which the international community should commit itself to support over the long term. I hope, therefore, that the exercise in which some Haitians are currently engaged to design a strategy for the next 15 years will

help shape a consensus that will form the basis of our common efforts to rebuild the country. For the time being, UNDP will work with the Government towards increasing Haiti's absorptive capacity and, together with MICIVIH, assist in the efforts to reform the judicial system.

27. It is obvious that security and the rule of law are essential prerequisites for any private investment and the promotion of prosperity. As described in the present report, progress is being made towards creating an effective and law-abiding police force, but much still needs to be done to ensure that it becomes fully operational. Arrangements are being made to transfer to UNDP the voluntary fund established under resolution 975 (1995) to assist with the creation of an adequate police force. This fund has been financing the technical assistance programme (see para. 14 above) and the rehabilitation of commissariats throughout the country. On 4 February, I appealed to some Member States to give serious consideration to contributing to that fund. However, since no contributions have so far been received, I take this opportunity to reiterate my appeal to all Member States to support this valuable tool for strengthening the rule of law in Haiti.

28. Continued progress in the institutional development of the police is linked to reform of the justice system, which is currently hindered by the lack of a consensual strategy. The creation of the judicial reform commission has raised hopes that a coherent framework for reform will soon be established. Broad agreement on that framework would ensure that international assistance in the area of justice, which should continue to be a major priority, will be fully effective. I take this opportunity to recognize the important assistance programmes of Canada, France and the United States of America in this sector. Their continued efforts and those of MICIVIH and the United Nations system will be needed in the coming years. Long-term technical support may be required, at both the central and regional levels.

29. In his 13 November 1996 letter to my predecessor (S/1996/956, annex), President Préval noted that the assistance of the international community in the area of public security would continue to be necessary after 30 November 1996 and that it would take between 8 to 12 months for the HNP to be able to ensure a secure and stable environment. It is clear from the present report that UNSMIH can make a further contribution to that goal and to the objective of resolution 1086 (1996) (para. 1), which affirms the importance of a professional, self-sustaining, fully functioning national police force of adequate size and structure, able to conduct the full spectrum of police functions, to the consolidation of democracy and revitalization of Haiti's system of justice. Accordingly, bearing in mind paragraph 2 of that resolution and based on the consultations that my Special Representative has continued to hold with the Haitian authorities and on the views of the Friends of the Secretary-General for Haiti, I have come to the conclusion that in order to ensure the continued institutional development of the HNP, the mandate of UNSMIH should be extended for the final time until 31 July 1997.

30. As requested in paragraph 3 of resolution 1086 (1996), I have again looked carefully into the possibility of further reducing the strength of the Mission. However, my Special Representative and all observers concur that, at this time of renewed violence and growing political and social tension, the situation in

Haiti is more precarious than it was four months ago, when the authorized strength of the Mission was considered a minimum. The ongoing electoral process, which should be completed on 25 May, and the publication of the final results of the elections, which will probably take place in June, may lead to further tensions. As the economy is not expected to improve perceptibly before the latter part of the year and popular demands for jobs and lower prices are not likely to be met in a context of sluggish growth, disturbances should not be ruled out. Confronted with new challenges, the HNP will need continued assistance to be able to maintain public order while pursuing its own development. It is hoped that the situation will improve in the second half of 1997, allowing for a smooth withdrawal of UNSMIH. For this to happen, however, it is essential that stability be maintained through July and that economic progress not be impaired by security concerns.

31. In view of the foregoing and conscious of the need to avoid any action that might jeopardize the significant progress achieved so far by Haiti with the assistance of the international community, I would strongly recommend that the current strength of the Mission be maintained until the end of the mandate. As repeatedly demonstrated during incidents such as the recent gang warfare in Cité Soleil, the presence of both the military contingent and the civilian police is crucial to the success of HNP operations. Any reduction in the strength of the Mission would undermine its operational and training capabilities and place the discharge of its mandate at risk. UNSMIH must continue to extend to the Government of Haiti all of its support in order to accelerate and consolidate the institutional development of the HNP and to maintain security and stability. However, I shall again ensure that UNSMIH operations are kept under constant review so that the remaining tasks are completed at the lowest cost to Member States.

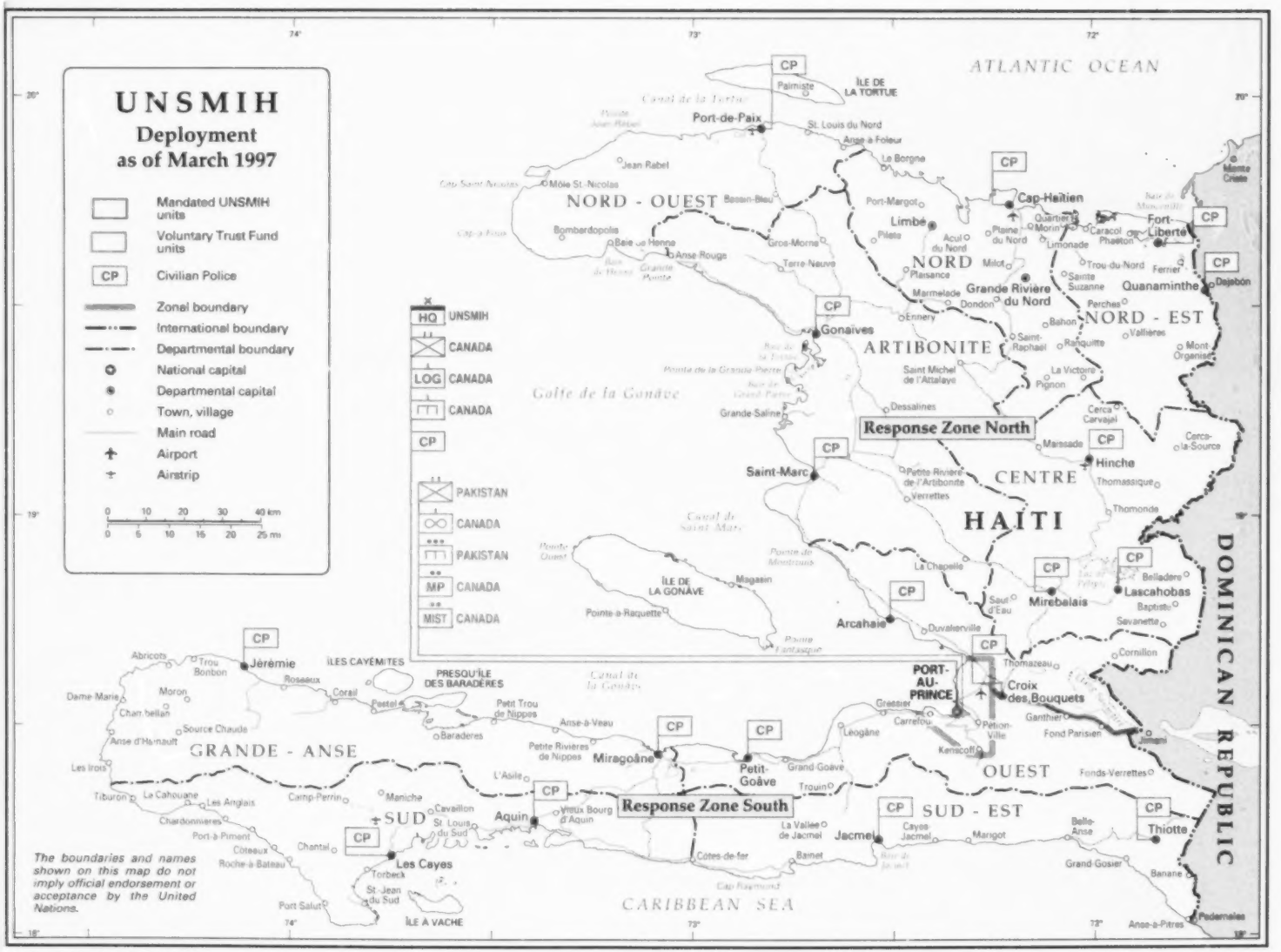
32. In its resolution 1086 (1996), the Security Council requested me to include in the present report recommendations on the nature of a subsequent international presence in Haiti. In view of the current uncertainties in the country and following consultations with the Haitian authorities and the Friends, it is my considered opinion that it would be premature to present specific recommendations at the present time. I intend, however, to submit a further report in June proposing detailed arrangements for international assistance after the end of the mission. It is clear from the present report that the HNP will continue to require a significant measure of support for some time to come. The extent and shape of the international presence in Haiti following the withdrawal of UNSMIH will necessarily be based on the careful consideration of such factors as the degree of professionalization of the HNP; the security situation as it relates to the ability of the HNP to carry out its mandate; the state of the Haitian economy; the commitment of the Government to promoting national reconciliation; domestic political support for continued international presence; and the financial and other constraints facing the United Nations.

33. In concluding the present report I should like to commend my Special Representative and the commanders of the military and civilian police elements, as well as the international and local staff of UNSMIH, for their outstanding efforts in support of democracy in Haiti.

Annex

Composition and strength of the military and civilian police elements of the United Nations Support Mission in Haiti as at 21 March 1997

	Military			
Nationality	Operational	Headquarters	Voluntarily funded	Civilian police
Algeria	-	-	-	15
Canada	422	34	300	99
France	-	-	-	71
India	-	-	-	1
Mali	-	-	-	38
Pakistan	25	19	500	-
Togo	-	-	-	7
United States of America	-	-	-	31
Total	447	53	800	262
Grand total	500		800	262



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Agenda item 56
THE SITUATION IN BOSNIA
AND HERZEGOVINA

SECURITY COUNCIL
Fifty-second year

Letter dated 21 March 1997 from the Chargé d'affaires a.i. of the Permanent Mission of the Netherlands to the United Nations addressed to the Secretary-General

I have the honour to draw your attention to the following common position of the European Union of 17 March 1997, defined by the Council on the basis of article J.2 of the Treaty on European Union, on restrictive measures aimed at persons having perpetrated violent acts during the incidents in Mostar on 10 February 1997 (see annex).

I should be grateful if you would have the text of the present letter and its annex circulated as a document of the fifty-first session of the General Assembly, under agenda item 56, and of the Security Council.

(Signed) J. BERTELING
Chargé d'affaires a.i.
Deputy Permanent Representative
of the Netherlands
to the United Nations

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ANNEX

[Original: English and French]

Common position of 17 March 1997, defined by the Council on the basis of article J.2 of the Treaty on European Union, on restrictive measures aimed at persons having perpetrated violent acts during the incidents in Mostar on 10 February 1997

The Council of the European Union,

Having regard to the Treaty on European Union, and in particular article J.2 thereof,

Whereas the European Union is committed to a policy of reconciliation and cooperation between the communities of Mostar and to the strengthening of the Federation of Bosnia and Herzegovina,

Whereas the Council considers that the incidents that occurred in Mostar on 10 February 1997 threaten to jeopardize the implementation of this policy,

Whereas, in that context, the Council deems it appropriate to follow up the recommendations made by the Office of the High Representative in Sarajevo, according to which those who have been identified as the perpetrators of violence during the above-mentioned incidents should be banned from travelling to Europe and overseas,

Has defined the following common position:

1. The persons listed in the appendix shall be reported for purposes of non-admission in the territories of the Member States. The list shall be updated following the outcome of further investigations and judicial proceedings;

2. Member States shall take all measures necessary to give effect to the provisions referred to in paragraph 1 as from the date of the definition of this common position;

3. The common position shall be published in the Official Journal.

For the Council,

The President
G. ZALM

APPENDIX

List of persons referred to in paragraph 1

HRKAC, Ivan

PERIC, Bozo

PLANINIC, Zeljko